

EXHIBIT NO. 18

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

VIVIAN BERT, et al.,
Plaintiffs,
vs.
AK STEEL CORPORATION,
Defendant.

CASE NO.
C-1-02-467

Deposition of: PHYLLIS SHORT
Taken: By the Plaintiffs
Pursuant to Notice
Date: February 16, 2005
Time: Commencing at 11:35 a.m.
Place: Taft, Stettinius &
Hollister, LLP
425 Walnut Street
Suite 1800
Cincinnati, Ohio 45202
Before: Karen Volk, RPR
Notary Public - State of Ohio

ORIGINAL

1 Q. But it has been in place in Middletown
2 since January of 2000?

3 A. Yes.

4 Q. And the reasons you've given me are the
5 only reasons you're aware of, correct?

6 A. Yes, as far as I'm aware, yes.

7 Q. Let me put you on hold again a second.

8 (Off the record.)

9 Q. Ms. Short, how about looking at Bates
10 number document AKX1384?

11 A. Yes, sir.

12 Q. Have you seen that ad before?

13 A. Not that I recall.

14 Q. Okay. It says it's a blind ad. What does
15 that mean?

16 A. To me, blind signifies that the company is
17 not going to put their logo or their name on the ad.

18 Q. And it's got 11/23/03, correct?

19 A. Yes, sir.

20 Q. That ad would have been run at that point
21 in time, would that be your understanding?

22 A. Yes, that's what I would surmise from
23 this.

24 Q. Do we know where this ad would have been
25 run?

1 A. No, sir.

2 Q. It is for production employees, correct?

3 A. Yes, that's what it says.

4 Q. Now, in this ad it indicates
5 qualifications include a minimum of two years prior
6 manufacturing or labor experience. It doesn't say
7 preferred.

8 Do you know why this ad says -- doesn't
9 say preferred?

10 A. Okay. Let me try this again. We do
11 prefer at Middletown Works to have two years of
12 manufacturing experience. But, as I previously said,
13 we were trying to get more females and minorities
14 into our work force. Therefore, if we had female or
15 minority candidates going through our process who did
16 not have the two years of manufacturing experience,
17 we would probably move them into the next step as far
18 as the employment process was concerned.

19 Q. Just for the record would you please,
20 ma'am, read the sentence in Bates number document
21 1384, which is the blind ad, starting with the word
22 "qualifications" and ending with "GED," please,
23 ma'am?

24 A. If I can. It's not a very good copy.
25 Wait a minute.

1 Qualifications include a minimum of two
2 years prior manufacturing or labor experience and a
3 high school diploma or GED.

4 Q. Now, would you go back and read for me,
5 please, ma'am, the language in document 1219 that
6 starts the fifth sentence in the first paragraph,
7 starting with "prior," ending with "prefer."

8 A. Prior manufacturing experience is
9 preferred.

10 Q. Now, do those two sentences mean the same
11 thing to you?

12 A. Yes, it means the same thing as -- you
13 know, I've previously explained as to what we were
14 looking for.

15 Q. And as an HR expert, somebody who is being
16 designated by your company, you don't understand
17 there to be a difference in one ad saying your
18 qualifications include a minimum of two years'
19 manufacturing experience and the other one saying
20 manufacturing experience is preferred; there's no
21 difference in your estimation, is that correct?

22 A. Again, we prefer two years of
23 manufacturing experience. Do we deviate from that
24 based upon the needs, based upon our desire to get
25 more minorities and females into the work force?

1 Yes, we do.

2 Q. Did women applicants and African American
3 applicants on average have less than two years'
4 manufacturing experience --

5 A. Yes.

6 Q. -- than whites?

7 A. Yes.

8 Q. Wouldn't the language preferred
9 qualifications, two years of manufacturing being
10 preferred, deter women and African Americans from
11 applying?

12 A. Sir, I don't know whether it would or not.
13 We still had them apply. Even -- even people without
14 any manufacturing experience would apply.

15 Q. Right. But -- okay. Thank you. Let me
16 move on. I think we're kind of getting circular
17 here. All right.

18 Once the ads were sent from the employment
19 agencies to your office, the first step, as I
20 understand it, would be that those applications would
21 be provided by Ms. Hicks or Ms. White to you, is that
22 correct?

23 A. Okay, you're talking about the -- the
24 applications that would come from the bureau that
25 they would copy?

1 attached to the application?

2 A. It was written on the document.

3 Q. Written on the application itself?

4 A. Could have been. I don't remember what
5 the document was.

6 Q. Okay. On how many occasions do you recall
7 seeing such note?

8 A. I don't know.

9 Q. Anything that you recall written in a
10 documented format other than the fact that they had
11 called and got a busy signal, any other kind of notes
12 regarding their attempts to contact you?

13 A. I don't remember any others.

14 Q. And, again, at this phase I take it an
15 employee who did not -- let me strike that.

16 Was there a certain limited amount of time
17 that an applicant had to be tested before he was
18 taken out of the process?

19 A. No, sir.

20 Q. Okay. So if you got an application back
21 for an employee, say January of 2002, he could have
22 been tested all the way up until December of that
23 year?

24 A. Sure.

25 Q. So there was no time frame?

1 A. There was no time frame, no.

2 Q. On occasions, then, you should see notes
3 indicating that -- from Ms. White and Ms. Hicks that
4 they're continuing to try to locate individuals to
5 come in for the test, correct?

6 A. They would continue to try to reach the
7 candidate with the information they had provided for
8 us.

9 In other words, they would provide it on
10 the application, a telephone number. It asks where
11 you can be notified. They would have continued to
12 try to reach them.

13 Q. Did they undertake -- did you ever retain
14 an individual to get updated phone numbers for your
15 applicants?

16 A. No, sir. Again, I had one person doing
17 all this recruiting effort. No, we did not have the
18 luxury of doing that.

19 Q. But there are temporary employment
20 services, just like your doctors, who provide
21 individuals who can update telephone numbers.

22 Did AK Steel ever undertake to hire such
23 an individual to update phone numbers on its
24 applications for production employee positions?

25 A. No, sir.

1 MR. ROGERS: Bob, are you talking about
2 over-the-counter or prescription?

3 MR. CHILDS: I'm really talking about
4 prescription, excuse me.

5 A. Okay. I'm sorry, ask your question again.

6 Q. If an employee abuses the prescription
7 drugs and illegally obtains drugs through
8 prescriptions that he falsifies, would that be a
9 reason for -- even though it might not be an illegal
10 drug, a reason for not hiring an applicant?

11 A. If a candidate tells our physician that
12 they are taking a certain medication and they can
13 provide a prescription bottle, they're going to have
14 to have the prescription prescribed by their
15 physician.

16 MR. CHILDS: Okay. Can we take about a
17 five minute break? And, Dave, can you call me
18 or just stay on this line, let us have a
19 second?

20 (A recess was taken from 4:43 to 4:49.)

21 Q. I'm back to the proverbial one more
22 question.

23 Did I understand you to say, Ms. Short,
24 that AK Steel in Middletown has waived the
25 requirement of two years of manufacturing experience

1 for minorities and females at any point in time from
2 January of 2000 to the present?

3 A. What I said was, if we had minority and
4 female candidates, we're much more willing to
5 consider them without the two years of manufacturing
6 experience than we would other candidates.

7 Q. Where is that consideration taken, at the
8 point in time the application comes back to AK Steel,
9 or when?

10 A. That consideration actually would have
11 been given to the bureaus.

12 Q. So are you saying that at some point in
13 time the bureaus were told not to enforce the two
14 years of manufacturing requirement at their initial
15 screens?

16 A. They would have been told to send us --
17 send AK as many applicants as they could who, you
18 know, had -- maybe they didn't have two years of
19 manufacturing experience but they had a year and let
20 us make the determination if they go through the
21 process.

22 Q. When did that occur?

23 A. Sir, I don't know.

24 Q. Would that have been true throughout the
25 whole time of January of 2000 to the present or just